

DPR Senate Judiciary Testimony:

May 12, 2009

1. Thank Judiciary committee for the opportunity to discuss a serious issue: recidivism of non-violent and sometimes more serious offenders
2. I am currently assigned a regular criminal trial docket (murders, rape, robbery, drug dealers, other major crimes) and the PATU docket (car theft, scrap metal, identity fraud, uttering and publishing) in the 3rd Judicial Circuit Court.
3. Don't keep official statistics but seeing a tremendous amount of recidivism by non-violent offenders. Don't need to remind Senator Sanborn about the release of violent offenders on parole (Patrick Sczelpak) under the current administration and the homicides that occurred as a result in Macomb County a couple of years ago.
4. This administration is now seeking alternative placement or targeting non-violent offenders for release to solve a budget crises. Problem is that this program doesn't reduce or eliminate budget deficits it only defers and actually increases societal and correction's costs. Forgive me for my frustration but I have people who are being sentenced and within a month I receive letters from MDOC asking me to approve alternative placement. Most of the time these are habitual offenders or multiple offenders who were on probation and I sent them to prison a part of a package resolution because they were no longer candidates for community supervision as recommended by the MDOC. But then MDOC turns right around and asks me to put them into an alternative program. No only were they likely to repeat, they did, and when I sent them to prison they get paroled at the first opportunity and commit further crime. Another example, a current case, Ricardo Smith, paroled in February 2009 on a receiving and concealing 5 year felony. One month later, it is alleged that he steals a car from a new victim, leads the police on a multi jurisdictional chase at 100 MPH through residential streets potentially endangering the lives of

countless citizens and police, and drives his car into the Detroit River. Because it is a pending case, we have an alleged new victim (increased societal costs-as if the old victim's were not enough), alleged new crimes and potentially longer sentence on new charges as a habitual offender under legislative guidelines after his parole hold to complete old case. I'm not keeping official statistics although I should but am seeing these non-violent parolee new cases more and more frequently. Theoretically saved a couple months in prison (shifted the cost to the county, unfunded mandate or twisted form of revenue sharing) but state will lose money overall on the proposition. If defendant does longer sentence after parole hold. Net loss to the state. Simple economics but you can have Patrick Anderson do the economics.

5. Current administration is targeting the non-violent offenders but they are some of the highest recidivists. Not aware of studies that indicate that longer prisoner is incarcerated the less likely to repeat but am aware of a study that indicates that 1/3 of targeted population of current administration's program is likely to be re-incarcerated for same offense within 3 years.
6. Beck, Bureau of Justice Statistics, U.S. Department of Justice, Recidivism Rates of Prisoners Released in 1983 (1989) (study of 100,000 prisoners during a three year period following their release in 1983 indicates that same offense (doesn't include other or higher offenses) recidivism rate for burglars 31.9%, drug offenders 24.8%, violent robbers 19.6%, rapists 7.7% and murderers 2.8%). The target population of the Governor's release program are the most likely to repeat the same crimes and be in prison again within 3 years. May be prudent to get the studies or conduct the studies before formulating policy!
7. Longer incarcerated more likely to obtain GED or complete vocational training. If released early with no job skills or GED, all we get is 14 days of temporarily housing and then dumped back onto to the street and back to their old habits. Early release also encourages recidivism and gives the

prisoner the impression that there is little consequence or penalty associated with the crime and if you don't think the "hey nothing or very little is going to happen to me if I commit this crime " word doesn't get out on the street you're mistaken.

8. Current plan is going to cost the state more in actual and societal costs. Increase in societal cost: new victims. Have higher corrections cost: parolees go out commit new crimes so have to complete original sentence and then do more time on new crime with longer sentences because of habitual status so you defer your actual costs a couple of months. It actually costs the state more than if you would have kept the prisoners in to begin with and there would be no new crime victim-societal cost. Result: Net loss to state.
9. Thank you for your time. In these days of tight budgets, imperative to avoid making short term decisions which will cost the state more in the long run.